

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

VACANT
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**PROPOSED AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
SEPTEMBER 7, 2004
9:00 A.M.**

ROLL CALL

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

REGULAR AGENDA

1. Cohen Stadium. [William F. Hart, Jr.]
2. Remembering September 11, 2001. [Wally Cech]

MAYOR'S PROCLAMATIONS

1. Childhood Cancer Awareness Month
2. Grandparents Day 2004
3. American Heart Walk Day

PRESENTATION OF PLAQUE

3. Public recognition of Jessica Powell, student at Burges High School, as the recipient of the Texas Amateur Athletic Federation Award by being named the Female Athlete of the Year in the State of Texas, and presentation of plaque.
[Representative Jose Alexandro Lozano, (915) 541-4515]

REGULAR AGENDA

4. Discussion and action on a Resolution that the Director of Museums be authorized to receive and accept a donation from the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., in the total amount of \$15,000.00. This donation would constitute "seed money" for an exhibit at the new El Paso Museum of History covering the Legal History of El Paso. The Director of Museums shall further be authorized to sign a donation agreement and any other documents necessary to effectuate the donation.
(All Districts) [El Paso Museum of History, Jennifer Nielsen, (915) 532-1707 ext. 22]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

5. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of August 31, 2004 and Special City Council Meetings of August 28 and August 31, 2004.

6. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

7. RESOLUTIONS:

7A. That the Mayor be authorized to sign a First Amendment to the Baggage Cart and Locker Concession Agreement between the City of El Paso ("Lessor") and Smarte Carte, Inc. ("Concessionaire") to reduce the square footage of the office space under the Leased Premises; to adjust the office rent; and to allow for reimbursement of overpaid rent from February 1, 2002 through May 1, 2004. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4734]

7B. Resolution authorizing the temporary waiver of landing fees for new, non-stop service from El Paso to destinations not currently served by an air carrier currently doing business at El Paso International Airport. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4734]

7C. That the Mayor be authorized to sign a CONDUIT UNDER TRACK AGREEMENT between the Texas Department of Transportation, the Burlington Northern and Santa Fe Railway Company and the City of El Paso, to allow for the installation of conduit with conductor cable under the existing underpass structure on Country Club Road and Doniphan Drive under the Burlington Northern and Santa Fe Railway Company's track. [Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

7D. That the Mayor is hereby authorized to sign on behalf of the City, an Amendment to a Local Transportation Project Advance Funding Agreement for the reconstruction of Magoffin Avenue from Campbell Street to Virginia Street to include the improvement of the pedestrian way including landscaping, ornamental lighting and sidewalk reconstruction for the San Antonio Transit Plaza Project in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution. [Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

- 7E.** That the Mayor be authorized to sign a LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT for an STP Metropolitan Safety Project ("Agreement") between the City of El Paso ("City") and the State of Texas, acting through the Texas Department of Transportation ("State"). The scope of work for this agreement is described in layman's terms as installation of advance warning signs and signals on Hawkins Blvd. at Phoenix and Tony Lama and the installation of safety lighting on Lomaland at Yermoland. This will be a reimbursable Agreement as described in the Local Project Sources and Uses of Funds, with additional terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.
[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]
- 7F.** That the Mayor be authorized to sign a Third Amendment to a Radio Antenna Site Lease Agreement between the City, on behalf of the El Paso Water Utilities Public Service Board and Regent Broadcasting of El Paso, Inc. Said lease site being a portion of Tract 18, Section 31, Block 80, Township 1, consisting of 44.502 acres in El Paso, El Paso County, Texas. **(District 4)**
[El Paso Water Utilities Public Service Board, Robert D. Andron, (915) 594-5506]
- 7G.** That the Mayor be authorized to sign an Agreement for Landscape Architecture Services by and between the **CITY OF EL PASO** and **SCHRICKEL, ROLLINS AND ASSOCIATES, INC.**, for a project known as "**George Dieter, Montwood and Pebble Hills Median Landscaping**", in an amount not to exceed FOUR HUNDRED SIXTY-ONE THOUSAND NINE HUNDRED SEVENTY-TWO and NO/100 DOLLARS (\$461,972.00). **(District 5)**
[Engineering Department, Irene Ramirez, (915) 541-4431]
- 7H.** That the Mayor be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the **City of El Paso** and **Lucero Melendez Architects A.I.A., Inc.**, for a project known as "**Vista del Valle Park and Multi-Purpose Center Rehabilitation**" for an amount not to exceed SIXTEEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$16,500.00). **(District 3)** [Engineering Department, Irene Ramirez, (915) 541-4431]
- 7I.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BLANCA M. GONZALEZ**, to assist the City Manager as an Executive Staff Assistant at a biweekly rate of \$1,346.15 for 40 hours per week. The term of the contract shall be for the period of September 8, 2004 through March 7, 2005. Contract subject to the concurrence of the Civil Service Commission.
[Interim City Manager Jim Martinez, (915) 541-4015]
- 7J.** Resolution assigning all duties, responsibilities or obligations previously assigned to a Deputy Chief Administrative Officer to a Deputy City Manager.
[Interim City Manager Jim Martinez, (915) 541-4015]
- 7K.** That the Director of Libraries be authorized to sign the Host Agreement with The Grantsmanship Center, providing for the El Paso Public Library to host a 5-day Grantsmanship Training Program from February 28, to March 5, 2005. Hosting of the training program will require the Library to provide the use of training facilities and equipment, but no payment by the City is required.
[Library, Carol A. Brey-Casiano, (915) 543-5406]

- 7L.** That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

AQUATICS**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Angelica Terrazas, Senior Lifeguard, Step 1
DATES: September 08, 2004 through September 30, 2004
RATE PER HR: \$6.60
CONTRACT NO: **2004/2005-090**
2. CONTRACTOR: Angelica Terrazas, Senior Lifeguard, Step 1
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.60
CONTRACT NO: **2004/2005-091**
3. CONTRACTOR: Daniel Juarez, Lifeguard, Step 4
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.40
CONTRACT NO: **2004/2005-092**
4. CONTRACTOR: Joshua Jordan, Lifeguard, Step 4
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.40
CONTRACT NO: **2004/2005-093**
5. CONTRACTOR: Shawn Jordan, Lifeguard, Step 3
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.20
CONTRACT NO: **2004/2005-094**
6. CONTRACTOR: John Parris, Lifeguard, Step 2
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.00
CONTRACT NO: **2004/2005-095**
7. CONTRACTOR: Jamie M. Jordan, Lifeguard, Step 3
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.20
CONTRACT NO: **2004/2005-096**
8. CONTRACTOR: Jeremy Jordan, Lifeguard, Step 3
DATES: October 01, 2004 through September 30, 2005
RATE PER HR: \$6.20
CONTRACT NO: **2004/2005-097**

9. CONTRACTOR: Jesus A. Acosta, Lifeguard, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.00
 CONTRACT NO: **2004/2005-098**
10. CONTRACTOR: Jenny Logan, Lifeguard, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.00
 CONTRACT NO: **2004/2005-099**
11. CONTRACTOR: Adrian Loya, Lifeguard, Step 4
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.40
 CONTRACT NO: **2004/2005-100**
12. CONTRACTOR: Jose Macias, Lifeguard, Step 3
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.20
 CONTRACT NO: **2004/2005-101**
13. CONTRACTOR: Jacqueline Paz, Pool Attendant, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.60
 CONTRACT NO: **2004/2005-102**
14. CONTRACTOR: Maricruz Gallegos, Pool Attendant, Step 4
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$6.00
 CONTRACT NO: **2004/2005-103**
15. CONTRACTOR: Alma S. Gallegos, Pool Attendant, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.60
 CONTRACT NO: **2004/2005-104**
16. CONTRACTOR: Vicente A. Sosa, Pool Attendant, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.60
 CONTRACT NO: **2004/2005-105**
17. CONTRACTOR: Brian Jones, Swim Instructor, Step 1
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.35
 CONTRACT NO: **2004/2005-106**
18. CONTRACTOR: Elizabeth A. Jones, Swim Instructor, Step 1
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.35
 CONTRACT NO: **2004/2005-107**
19. CONTRACTOR: Evelyn Chavez, Swim Instructor, Step 2

DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.50
 CONTRACT NO: **2004/2005-108**

20. CONTRACTOR: Gerardo Magallanes, Swim Instructor, Step 2
 DATES: October 01, 2004 through September 30, 2005
 RATE PER HR: \$5.50
 CONTRACT NO: **2004/2005-109**

MULTI-PURPOSE CENTER

DEPARTMENT ID: 51150056, ACCOUNT: 501011

21. CONTRACTOR: Leticia Guerrero, CDBG Instructor
 DATES: September 08, 2004 through August 31, 2005
 RATE PER HR: \$6.05
 CONTRACT NO: **2004/2005-110**

- 7M.** That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.
 [Parks & Recreation, Norman Merrifield, (915) 541-4331]

CAROLINA RECREATION CENTER CENTER

DEPARTMENT ID: 51510073, ACCOUNT 502214

1. CONTRACTOR: Jerry Guevara, Referee for Basketball & Soccer
 DATES: September 08, 2004 through August 31, 2005
 RATE PER CL: \$8.80
 MAXIMUM AMT: \$4840.00
 CONTRACT: **2004/2005-075**

NOLAN RICHARDSON RECREATION CENTER

DEPARTMENT ID: 51510074, ACCOUNT 502214

2. CONTRACTOR: Fernando Arriaga, Karate Instructor
 DATES: September 08, 2004 through August 31, 2005
 RATE PER CL: \$12.00
 MAXIMUM AMT: \$5400.00
 CONTRACT: **2004/2005-076**

SAN JUAN RECREATION CENTER

DEPARTMENT ID: 51510123, ACCOUNT 502214

3. CONTRACTOR: Reina Banuelos, Folklorico Instructor
 DATES: September 08, 2004 through August 31, 2005
 RATE PER CL: \$8.00
 MAXIMUM AMT: \$832.00
 CONTRACT: **2004/2005-077**

4. CONTRACTOR: Rebecca Y. Luna, Ballet Instructor
 DATES: September 08, 2004 through August 31, 2005
 RATE PER CL: \$8.00
 MAXIMUM AMT: \$2496.00
 CONTRACT: **2004/2005-078**

ARMIJO RECREATION CENTER

DEPARTMENT ID: 51510065, ACCOUNT: 502214

5. CONTRACTOR: Joel Lee Alvarez, Karate/Kickboxing Instructor
 DATES: September 08, 2004 through February 28, 2005
 RATE PER CL: \$7.00
 MAXIMUM AMT: \$700.00
 CONTRACT: **2004/2005-079**

- 7N.** That the Mayor, on behalf of the City, accepts the donation of 300 flags (11" x 17") from Robert Herndon, a private citizen, for use by the Police Department to place the flags on marked police vehicles in honor of September 11. The value of the flags is \$2,400.00.

[Police Department, Interim Assistant Chief Paul Cross, (915) 564-7310]

- 8.** Notice to set a public hearing to be held on September 28th, 2004 to determine if the property located at 1406-1418 Myrtle Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 8th, 2004. The owners of record as of July 6th, 2004, Jose A. Gutierrez, Pedro Taboada, and Joseph P. Murray, 2300 N. Campbell Street, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 8)**

[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 9. REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

- 9A.** Lopez, Guillermo – Engineering Technician I
 [El Paso Water Utilities, Fred Loweree, (915) 594-5501]

- 9B.** Aldana, David – Police Officer
 Lechuga, Gabriel – Police Officer
 [Police Department, Interim Assistant Chief Paul Cross, (915) 564-7310]

10. BOARD APPOINTMENT:

Sandra Almanzan to the Community Development Steering Committee by Mayor Joe Wardy. [Mayor's Office, Laura Uribarri, (915) 541-4145]

- 11.** Request that the following installment agreements for **AD VALOREM** taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

- 11A.** PID #'s F607-999-0420-4900 & F607-999-0420-4600, \$796.53 per month installments on a balance of \$4,779.18 for 2003 taxes; Linda A. Milligan – 1515 E. Missouri Ave. **(District 8)**

- 11B.** PID #X579-000-3190-0195, \$232.06 per month installments on a balance of \$5,801.50 for 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2002 & 2003 Taxes; Thomas M. & Cheryl Colker-; No Address Assigned. **(District - County)**

12. DISCRETIONARY FUNDS:

- 12A.** Request to allocate ONE HUNDRED DOLLARS (\$100.00) from District #4 Discretionary Funds be used towards the "user fee" for Cohen Center for the third annual "Heroes Charity Softball" event on September 11th, 2004, at the Andy and Syd Cohen Center. [Representative John F. Cook, (915) 541-4140]
- 12B.** Representative Lozano authorizes the use of District 3 Discretionary Funds in the amount of approximately \$650 for a temporary water-filled barricade, with two road closed ahead signs, for 30 days on Glengarry between Catnip and Backus streets for a study on the effect of traffic on this street.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 12C.** The authorization to disburse \$500 from District 3 Discretionary funds to the Pebble Hills Regional Command Center for the Pride Day activities planned for November 6, 2004. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 12D.** The authorization to disburse \$500 from District 3 Discretionary funds to the Pebble Hills Regional Command Center to help cover the Pride Day activities that are planned for District 5 for November 6, 2004.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 12E.** Authorization to allocate \$2,000 from District No. 6 Council Special Projects (discretionary funds) to City of El Paso Fire Department to assist with transportation costs to compete in the Fire Fighters Combat Challenge Team events. [Representative Paul J. Escobar, (915) 541-4178]

13. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Bid No.:	2004-226	Washing of Heavy Duty Equipment (Rebid)
Award to:		A & E Truck & Car Wash
		El Paso, TX
Item (s):		All
Amount:		\$150,000.00 (estimated yearly)

Department: Fleet Services
 Funds available: 37370510-45202-503125
 Funding source: Fleet Services-Inventory Sales-Equipment Outside Repairs
 Total award: \$450,000.00 (estimated)
District (s): All

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year. [Purchasing, Ray Heredia, (915) 541-4316]

14. REQUEST FOR PROPOSAL:

This competitive sealed bid proposal is being awarded to the responsible offeror whose proposal is determined to be the most advantageous to the City, considering the relative importance of price and the other evaluation factors included in the request for proposal.

Bid No.: 2004-193R Supplemental Life Insurance
 (Life, Dental, Vision & Disability)
 Award To: Vendor/Item: Safeguard Health Plans Inc-Vision
 Dallas, TX/EI Paso, TX
 Vendor/Item: United Concordia-Dental
 Dallas, TX/EI Paso, TX
 Vendor/Item: Safeguard Health Plans Inc-Dental
 Dallas, TX/EI Paso, TX
 Vendor/Item: ING Employee Benefits-Life
 Dallas, TX/EI Paso, TX
 Vendor/Item: UNUM-Disability Coverage
 EI Paso, TX
 Amount: \$73,990.80 (estimate yearly)

Department: Office of Management & Budget
 Funds available: 04100248-45121-502119
 Funding source: Health Insurance and Benefits-Health Benefits
 Total award: \$209,640.60 (estimate for 34 months)
District (s): All

The Office of Management and Budget, Insurance Department, Consultant, Purchasing Department and the review committee have met and reviewed the Proposals that were received. It is the recommendation of the committee to award the RFP to Safeguard, United Concordia, ING Employee Benefits and UNUM. The proposal responses addressed the scope and intent of the RFP.

This is a thirty-four (34) month contract with the options to extend the contracts for two (2) additional years, one year at a time.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents, agreements and budget transfer, necessary during the contract.
 [Purchasing, Ray Heredia, (915) 541-4316]

15. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

15A. Bel Air High School to hold a homecoming parade on September 22, 2004 from 6:00 p.m. to 7:30 p.m. Route: Start at Lowes' parking lot on Carolina, turn left on Yarbrough to Mazatlan, turn left on Mazatlan to Venado, turn left on Venado to Hermosillo, turn left on Hermosillo and finish at Bel Air High School rear parking lot. Approximately 1,000 persons, 50 vehicles will take part and 3,000 spectators are anticipated. PERMIT NO. 04-090 **(District 7)** [Enrique Perez, Jr.]

15B. People Skills, Inc. to hold a bicycle/foot/walk race on October 30, 2004 from 8:00 a.m. to 12:00 p.m. Route: Start on 7800 Helen of Troy to Resler, turn left on Resler to Transmountain Road (Loop 375 East), turn right on Transmountain Road (Loop 375 East), proceed on Transmountain Road to the elevation-5280 crossover, turn around on Transmountain Road (Loop 375 West), proceed on Transmountain Road (Loop 375 West) to Resler, turn left on Resler and finish at Helen of Troy. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone) PERMIT NO. 04-088 **(District 1)** [Ruben Castaneda]

15C. Kern Place Merchants Association to use amplification (4 speakers) at the corner of Cincinnati and Mesa (2 speakers will be facing Mesa on the corner of Cincinnati/Stanton & 2 speakers will be facing Mesa on the corner of Mesa/Cincinnati) on September 11, 2004 from 7:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 3,000 spectators are anticipated. PERMIT NO. 04-093 **(District 1)** [Kenneth Rico Velasquez]

15D. Bronco Buster & Western Spur Residents to block off 12200 block of Western Spur on September 11, 2004 from 4:00 p.m. to 12:00 a.m. for a block party. Approximately 80 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (D.J.-2 speakers). PERMIT NO. 04-094 **(District 6)** [Willie Barber]

- 15E.** Sombras del Rio Homeowners Association to block off 600 block of Cora Place on September 11, 2004 from 5:00 p.m. to 9:00 p.m. for a block party. Approximately 80 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (1 personal stereo with 2 speakers). PERMIT NO.04-096 **(District 7)** [Martha Mata]

REGULAR AGENDA

16. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 16A.** An ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of the code. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

- 16B.** An ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty being as provided in Section 2.38.110 of the code. [Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

- 16C.** An Ordinance granting to the City Manager or the Department Head to enter into and sign certain personal, professional, and independent service contracts on behalf of the City. **(All Districts)** [City Attorney's Office, Guadalupe Cuellar, (915) 541-4550]

- 16D.** An Ordinance rescinding Ordinance No. 15775, and authorizing the Mayor to sign a Contract of Sale, Special Warranty Deed, Release of Lien and all other related documents, conveying to George Anthony Herrera the West 30 feet of the East 60.30 feet of Lots 1-3, inclusive, Block 36, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas (1025 E. Eighth Avenue.) **(District 8)** [Community and Human Development, Saul Moreno, (915) 541-4889]

- 16E.** An Ordinance vacating a portion of a 20 foot wide alley abutting Lots 3 & 4, Block 1, Mills Map, City of El Paso, El Paso County, Texas. Applicant / Representative: Branca, L.P., a Texas Limited Partnership, 300 East Main Street, Suite 1200, El Paso, TX. 79901. AV03002 **(District 8)** [Planning, Research and Development, James E. Shelton, (915) 541-4903]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 21, 2004 FOR ITEMS 16A – 16E

- 16F.** An Ordinance changing the zoning of a portion of Lot 3 and all of Lot 4, Block 3, Canutillo Industrial Park, El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Chanate Partners, Ltd. ZON04-00055 **(District 1)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 16G.** An Ordinance changing the zoning of Parcel 1: A portion of Tracts 11A and 12 and all of Tract 11B, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract) and imposing certain conditions; Parcel 2: A portion of Tracts 11A and 12, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-1/sc (Commercial/special contract) to C-3 (Commercial) and C-3/sc (Commercial/special contract); and Parcel 3: A portion of Tract 11A, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Abdolkarim Saadatkah. ZON04-00063 **(District 5)** [Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 16H.** An Ordinance granting Special Permit No. ZON04-00100, to allow for a planned residential development on Tract 1E and a portion of Tract 1H, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Development Inc. **(District 5)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 16I.** An Ordinance changing the zoning of Tract 1E and a portion of Tract 1H, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from A-2/c (Apartment/conditions) and C-4/c (Commercial/conditions) to R-5/c (Residential/conditions). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Development Inc. ZON04-00101 **(District 5)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 16J.** Ordinance granting Special Permit No. ZON04-00069, to allow for a governmental use on A Portion of Lot 83, Block 12, Tierra Del Este Unit One, El Paso, El Paso County, Texas (12600 Pebble Hills Boulevard) pursuant to Section 20.14.040. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso. **(District 5)**
[Planning, Research and Development, Jorge E. Rousselin, (915) 541-4723]
- 16K.** An Ordinance granting Special Permit No. ZON04-00091 to allow for a parking reduction on the property described as South Portion of Lots 14 to 16, Block 41, East El Paso, El Paso, El Paso County, Texas (3624 Gateway East, Suite B), Pursuant to Section 20.64.175, and The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Luis M. Alvarado. **(District 8)**
[Planning, Research and Development, Jorge E. Rousselin, (915) 541-4723]

- 16L.** An ordinance changing the zoning of A portion of Lot 1, Block 112, Vista Del Sol Unit 16, El Paso, El Paso County, Texas (11129 Pelicano Drive) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.. Applicant: Grys Group, LLC. ZON04-00099 **(District 7)**

[Planning, Research and Development, Jorge E. Rousselin, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 27, 2004 FOR ITEMS 16F – 16L

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

17. MAYOR AND COUNCIL:

- 17A.** Discussion and action on a Resolution that the Mayor be authorized to sign the Amendment to Tax Increment Finance District No. 1 Termination Agreement by and between the City of El Paso, the County of El Paso, the El Paso Independent School District, the El Paso County Hospital District and the El Paso County Community College District allowing the City of El Paso to utilize the remaining fund balance in the TIF No. 1 fund in connection with the History Museum to be constructed by the City of El Paso as part of the Cleveland Square Project. [Mayor & Council, Adrian Ocegueda, (915) 541-4145]
- 17B.** Discussion and action on health, safety, welfare, environmental, engineering and BP&I enforcement issues regarding 131 South Yarbrough Dr., Tract 23B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas. [Representative Vivian Rojas, (915) 541-4108]
- 17C.** Discussion and action to direct City staff to study the possibility of re-designating the boundaries of the El Paso Central Areas, which is that area in which possession and consumption of alcohol in open containers is currently prohibited under the City Code, and, if feasible, to bring back a proposed resolution, for consideration by Council, in which those boundaries are expanded. [Mayor Pro Tempore Anthony W. Cobos, (915) 541-4123]

18. ENGINEERING:

Discussion and action on approval of Conditional "B" building permits for Sombras Del Sol Unit Three Subdivision. **(District 5)**
[Engineering Department, Bashar Abugalyon, (915) 541-4157]

19. PLANNING, RESEARCH AND DEVELOPMENT:

- 19A.** Discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a land study application and all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such application. **(District 1)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 19B.** Discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a request for modifications to the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and to submit all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such request. **(District 1)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

20. PURCHASING:

Discussion and action on a Resolution that City Council hereby requires that all budget transfers requiring Council approval that are over \$500,000.00 and all contracts, bids, request for proposals or request for qualifications awards that are over \$500,000.00, be placed on the regular agenda of the City Council Meeting Agenda.
[Purchasing, Byron E. Johnson, (915) 541-4313]

21. REQUEST FOR PROPOSAL:

This competitive sealed bid proposal is being awarded to the responsible offeror whose proposal is determined to be the most advantageous to the City, considering the relative importance of price and the other evaluation factors included in the request for proposal.

Bid No.:	2004-195R	Third Party Medical Claims Administration
Award to:	Vendor/Item	Access Administrators – TPA El Paso, TX
	Vendor/Item	Advantage Care Network – Network El Paso, TX
	Vendor/Item	ING Employee Benefits – Stop Loss Dallas, TX/El Paso, TX
	Vendor/Item	Restat - Pharmacy El Paso, TX
	Vendor/Item	NCED Mental Health - EAP El Paso, TX
Amount:		\$1,704,000.00 (estimated yearly)
Department:		Office of Management & Budget
Funds available:		04100248-45121-502119
Funding source:		Health Insurance & Benefits – Health Benefits
Total award:		\$4,828,000.00 (estimated 34 months)
District (s):		All

The Office of Management and Budget, Insurance Department, Consultant, Purchasing Department and the review committee have met and reviewed the Proposals that were received. It is the recommendation of the committee to award the RFP to Access Administration, Advantage Care Network, ING Employee Benefits and NCED Mental Health. The proposal responses addressed the scope and intent of the RFP.

This is a thirty-four (34) month contract with the options to extend the contracts for two (2) additional years, one year at a time.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office

to review, and the Mayor be authorized to execute any related contract documents, agreements and budget transfers necessary during the contract.
[Purchasing, Ray Heredia, (915) 541-4316]

22. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2004-1177 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$922,950 from an unallocated project to the Lee Boulevard project to fund the City's share of this TxDOT project. Funding source is 1995 Cos. **(District 5)**

Decrease	\$922,950	from	31131001/P50148827061/508027	Construction
Increase	\$922,950	to	31131001/P50148827061/507001	IntrfdTrf(Use)
Increase	\$922,950	to	31131001/PPW002327079/407001	IntrfdTrf(S)
Increase	\$922,950	to	31131001/PPW002327079/508027	Construction

23. PUBLIC HEARINGS – MAYOR AND COUNCIL:

23A. An Ordinance repealing Ordinance Nos. 15529 and 15185 and establishing a new Ordinance that creates and establishes the duties of the Building and Planning Services Department. [Interim City Manager Jim Martinez, (915) 541-4015]

23B. An Ordinance repealing Ordinance Nos. 15546 and 15186 and establishing a new Ordinance that creates and establishes the duties of the Municipal Services Department. [Interim City Manager Jim Martinez, (915) 541-4015]

23C. An Ordinance repealing Ordinance Nos. 15531, 15239 and 15184 and establishing a new Ordinance that creates and establishes the duties of the Financial and Administrative Services Department.
[Interim City Manager Jim Martinez, (915) 541-4015]

23D. An Ordinance repealing Ordinance Nos. 15530 and 15187 and establishing a new Ordinance that creates and establishes the duties of the Quality of Life Services Department. [Interim City Manager Jim Martinez, (915) 541-4015]

23E. An Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention); Section 18.60.420 (Designation of the Floodplain Administrator), Section 18.60.430 (Duties and Responsibilities of the Floodplain Administrator), Section 18.60.440 (Duties and responsibilities of the Deputy Chief Administrative Officer) and Section 18.60.450 (Duties and Responsibilities of the Street Director) of the El Paso Municipal Code.
[Interim City Manager Jim Martinez, (915) 541-4015]

24. PUBLIC HEARINGS – BUILDING PERMITS AND INSPECTIONS:

- 24A.** Public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 7)** [Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 24B.** Public hearing to determine if the property located at 3229 Gateway West Boulevard, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 12th, 2004. The owner of this property, Iglesia De Dios Vivo Columna Y Apoyo De La Verdad – La Luz Del Mundo, 3229 Gateway West Boulevard, El Paso, Texas 79903-4225, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 2)** [Building Permits & Inspections, Tom Maguire, (915) 541-4588]
- 24C.** An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave. between Mesa Street and Stanton Street for a "Tail Gate Party," celebration on Saturday, September 11, 2004 and Sunday, September 12, 2004. [Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]
- 24D.** An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave between Mesa Street and Stanton Street for an "Ice Cream Social," celebration on Sunday, September 12, 2004. [Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]
- 24E.** An ordinance granting a special privilege authorizing the temporary closure of a portion of Oregon Street between Missouri Street and Franklin Street for a "Chile Cook Off" celebration on Sunday, September 12, 2004. Street closure shall commence at 8:00 a.m. on September 12th with the affected area reopening at 5:00 a.m. on September 13th. [Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]

25. PUBLIC HEARINGS – ECONOMIC DEVELOPMENT:

- 25A.** An Ordinance amending Title 15 (Public Services), To amend Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses) of the El Paso Municipal Code by adding Subsection 15.08.120.C.9 to recognize the creation of Chapter 13.30 of this Code which addresses the issuance of permits for film making events; the penalty being as provided in Section 13.30.130 of the Municipal Code. **(All Districts)** [Economic Development, David G. Dobson, (915) 541-4680]

- 25B.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), To create Chapter 13.30 (Film-making Events), of the El Paso Municipal Code; To create provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City; To establish criteria for the Consideration, Issuance and Revocation of the Permits; To provide for the issuance of permits; To establish fees; To provide for an appeal process, and To Create duties for Permittees and Participants; the penalty being as provided in Section 13.30.110 of the Municipal Code. **(All Districts)**
[Economic Development, David G. Dobson, (915) 541-4680]

26. PUBLIC HEARING – ENGINEERING, TRAFFIC:

An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited During Certain Hours on Certain Streets.) Paragraph 12.88.040 (J) (No Parking, 7:00 a.m. to 4:00 p.m.) To Include New Locations on Elon Lane, Mark Wallace Lane, McVeigh Way, and Sam Horrell Way. The Penalty as Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 1)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

27. PUBLIC HEARINGS – HUMAN RESOURCES:

- 27A.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 12, Eligible Lists, Section 8, Removal on Account of Non-Appointment, to clarify when an employee is charged with a non-appointment.
[Human Resources, Terry A. Bond, (915) 541-4509]
- 27B.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 6, Certification, to change certification procedures and the certification order. [Human Resources, Terry A. Bond, (915) 541-4509]

28. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 28A.** An Ordinance granting Special Permit No. ZON04-00092 to satisfy parking requirements for Parcel I described as Lots 14 -16, Block 57, Franklin Heights, El Paso, El Paso County, Texas; by allowing off-site off-street parking on Parcel II, described as Lots 15 & 16, Block 74, Franklin Heights, El Paso, El Paso County, Texas (1830 Rio Grande Avenue) pursuant to Section 20.22.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: G & G Malooly Limited Partnership. **(District 8)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 28B.** An Ordinance changing the zoning of Tract A, Monte-Cito Addition No. Three, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Carefree Land Company, L. P. ZON04-00088 **(District 7)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 28C.** An Ordinance changing the zoning of Tract 2, Block 1, Upper Valley Surveys, El Paso, El Paso County, Texas (Sunland Park Drive South of Doniphan Drive) from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ben A. Lanford. ZON04-00090 **(District 8)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 29.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 29A.** Discussion and action on Truett L. Maddox, et. al. vs. The City of El Paso, et. al., Cause No. 92-14046 (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29B.** J.G.W. Foods Chapter 7, Case No. 03-32427 (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29C.** James K. Terrell vs. City of El Paso, et. al., Cause No. EP-03-CA-0364-KC (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29D.** Jacob Telles vs. City of El Paso, et. al., Cause No. EP-03-CA-0528-KC (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29E.** Nancy Hollebeke v. City of El Paso, et. al., Cause No. EP-04-CA-0185-HLH (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29F.** Maria Ramirez v. City of El Paso, Cause No. EP-04-CA-0245-KC (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 29G.** In the Matter of a Court of Inquiry, Cause No. 20040D00188 (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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